

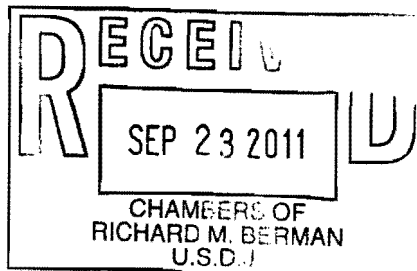
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**MEMO ENDORSED**

DATE FILED: 9/26/11

**Arent Fox**

September 22, 2011

**Temitope K. Yusuf**

Attorney

212.457.5489 DIRECT

212.484.3990 FAX

yusuf.temitope@arentfox.com

BY HAND DELIVERY

The Honorable Richard M. Berman  
United States District Court  
Southern District of New York  
500 Pearl Street, Rm. 650  
New York, New York 10007

Re: *Azzolini v. Marriott International, Inc.*  
99 Civ. 11605 and 03 Civ. 4345

SO ORDERED:

Date: 9/26/11

*Richard M. Berman*  
Richard M. Berman, U.S.D.J.

A conference is scheduled  
for 10/17/11 at 10:00 a.m.  
The senior principal for  
each side must attend.

Dear Judge Berman:

We are in receipt of your Honor's order entered Friday September 16, 2011 denying our request for an extension to comply with your order of September 6, 2011. We write to inform your Honor that we have contacted plaintiff's attorney several times prior to and since your Honor's order and have yet to receive a response from plaintiff's attorney or a 2011 W4 from his client.

Under IRS publication 15 (Circular E) Employer's tax Guide which discusses Invalid Forms W-4, "Any unauthorized change or addition to Form W-4 makes it invalid. This includes taking out any language by which the employee certifies the form is correct. A Form W-4 is also invalid if, by the date an employee gives it to you, he or she indicates in any way it is false. An employee who submits a false Form W-4 may be subject to a \$500 penalty. **You may treat a Form W-4 as invalid if the employee wrote "exempt" on line 7 and also entered a number on line 5 or an amount on line 6.**" (Emphasis added.)

An employer may not issue a payroll check if the W4 contains an exemption and seeks withholdings. In this instance, Mr. Azzolini's 2010 W4 requests an exemption and claims withholdings. Marriott cannot determine whether Mr. Azzolini is exempt or claiming withholdings, as such Marriott is unable to issue the check.

Please note that Marriott wishes to be in total compliance with your Honor's order, however given the conflict between your Honor's order and this rule, we respectfully request that your

The Honorable  
Richard M. Berman  
September 22, 2011  
Page 2

**Arent Fox**

Honor order Mr. O'Neill to provide Marriott with a 2011 W4 for his client so that we may issue the check pursuant to your Honor's order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Yusuf', with a long horizontal flourish extending to the right.

Temitope K. Yusuf

cc: Michael G. O'Neill (via Facsimile)

TKY/jma